



Patent Docket No. 080398.P361

Patent

AF 2625

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: ) Examiner: Desire, Gregory M.  
Eric Edwards, et al. )  
Application No. 09/769,686 ) Art Unit: 2625  
Filed: January 24, 2001 ) Confirmation Number: 5370  
For: SYSTEM AND METHOD FOR )  
EDITING DIGITAL IMAGES )

Mail Stop Appeal Brief- Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPEAL BRIEF UNDER 37 C.F.R. § 41.37(a)**

This is an appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner of Group 2625, dated October 19, 2004, which finally rejected Claims 1-51 in the above-identified application. This Appeal Brief is hereby submitted pursuant to 37 C.F.R. § 41.37(a).

**FIRST CLASS CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Appeal Brief- Patents, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on April 18, 2005  
Date of Deposit

Vanessa Sanchez  
Name of Person Mailing Correspondence

Vanessa Sanchez  
Signature

4/18/05  
Date

## **I. REAL PARTY IN INTEREST**

The real parties in interest are the assignees of the full interest in the invention, Sony Corporation, 7-35 Kitashinagawa, 6-Chome, Shinagawa-Ku, Tokyo, Japan, and Sony Electronics, Inc., 1 Sony Drive, Park Ridge, New Jersey 07656.

## **II. RELATED APPEALS AND INTERFERENCES**

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.

## **III. STATUS OF THE CLAIMS**

Claims 1-51 are pending in the application and were finally rejected in an Office Action mailed October 19, 2004. Claims 1-51 are the subject of this appeal. A copy of Claims 1-51 as they stand on appeal are set forth in Appendix A.

## **IV. STATUS OF AMENDMENTS**

No amendments have been submitted subsequent to the Final Office Action mailed October 19, 2004.

## **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Appellant's invention as claimed in claims 1-51 is directed to an image template containing a first edited image and a record of an editing operation performed on the first edited image. By applying the image template to a second image, the same editing operation can be performed on the second image. This allows for the image characteristics of the second image to be identical to those of the first edited image. One benefit of this is that an image file for the edited image carries along with it a description of the editing operations applied to it; thus, should a user wish to apply the same characteristics to another image, the image file can be used as a template to apply the same editing operations to the second image. Another benefit of using the image template is that the images can easily be combined together to form an output image

having a consistent appearance. (Specification, page 8, line 18- page 9, line 3; page 9, lines 17-22; Figure 2, 240, 280).

Independent claim 1 claims a method for forming an image template containing a first edited image and a record of an image editing operation that was performed on a first image to obtain the first edited image. The image template is applied to a second image.

Independent claim 18 claims is a computer readable medium claim corresponding to independent claim 1. Independent claim 35 claims the invention as a system executing instructions corresponding to independent claim 1.

## **VI. GROUNDS OF REJECTIONS TO BE REVIEWED ON APPEAL**

- A. Whether Claims 1-3, 5-7, 10-12, 17-20, 22-24, 27-29, 34-37, 39-41, 44-46 and 51 are anticipated under 35 U.S.C. §102(e) by Enomoto, U.S. Patent No. 6,313,902 (“Enomoto”).
- B. Whether Claims 4, 21 and 38 are patentable under 35 U.S.C. §103(a) over Enomoto in view of Rissman, U.S. Patent No. 6,552,743 (“Rissman”).
- C. Whether Claims 8-9, 25-26 and 42-43 are patentable under 35 U.S.C. §103(a) over Enomoto in view of Suzuki, U.S. Patent No. 5,019,858 (“Suzuki”).
- D. Whether Claims 13-16, 30-33 and 47-50 are patentable under 35 U.S.C. §103(a) over Enomoto in view of Katayama et al., U.S. Patent No. 5,982,951 (“Katayama”).

## **VII. ARGUMENT**

- A. Claims 1-3, 5-7, 10-12, 17-20, 22-24, 27-29, 34-37, 39-41, 44-46 and 51 are not anticipated under 35 U.S.C. §102(e) by Enomoto.

Claims 1-3, 5-7, 10-12, 17-20, 22-24, 27-29, 34-37, 39-41, 44-46 and 51 stand or fall together. Claim 1 is the representative claim.

Enomoto discloses an apparatus for processing a roll of film and identifying a group of frames on the film that were taken with the same camera lens. A correction intensity establishing section uses an image from a single frame of an identified group to establish a correction intensity for the entire group of frames. This correction intensity is stored in a correction intensity storing section, so that when subsequently correcting any frame from the group, the established correction intensity may be used to perform image

correction. A memory stores either uncorrected input image data and its corresponding correction intensity, or output image data (which has already been corrected with the correction intensity), so that a reprint may be made later using the same image correction.

Independent claim 1 includes the limitations of forming an image template containing a first edited image and a selected record of at least one image editing operation, the image editing operation having been performed on a first image to obtain the first edited image, and applying the image template to at least one second image. Appellant submits that Enomoto does not disclose these limitations.

In the Final Office Action mailed October 19, 2004, the Examiner stated that Enomoto's correction intensity establishing section 60 ("CIES") and correction intensity storing subsection 60a ("CISS"), illustrated in Figure 4, anticipate Appellant's claimed image template. Specifically, the Examiner asserted that the CISS 60a stores corrected images. Appellant submits that the Examiner has misinterpreted Enomoto's disclosure. Enomoto discloses storing, for a particular image, either (1) an uncorrected input image and its corresponding correction intensity, or (2) a corrected output image alone. (Enomoto, col. 21, lines 16-25). However, Enomoto does not disclose forming an image template that contains both the correction intensity and a corrected image. Given that Enomoto's stated motivation for storing (1) or (2) is only to be able to produce reprints with the same finishing (e.g. by applying the same image correction), Enomoto's apparatus would have no need for storing the correction intensity together with the corrected image, when the corrected output image is already stored. Since Appellant's claimed template includes both an edited image and a record of an editing operation used to obtain the edited image, Enomoto cannot be interpreted as disclosing the image template of claim 1.

Additionally, independent claim 1 includes the limitation of applying the image template to a second image. Since Enomoto does not disclose the claimed template, as discussed above, Appellant submits that Enomoto cannot disclose applying the template. Even if, *arguendo*, Enomoto can be properly interpreted as disclosing an image template containing both the correction intensity and a corrected image, Enomoto still fails to disclose applying the template to a second image. Rather, Enomoto specifically discloses that when producing a reprint, an operator selects either to use a stored correction

intensity for the group to which the image belongs, or to establish a new correction intensity based on the input image. (Enomoto, col. 21, lines 25-30). Further, where Enomoto does store a corrected image, it is only for Enomoto's stated purpose of producing a reprint of that same particular image using the same correction; Enomoto does not disclose using a stored corrected image for correcting a different image. Therefore, Enomoto also does not disclose applying the image template to a second image, as claimed by Appellant's claim 1.

Accordingly, Appellant submits that independent claims 1, 18 and 35 and claims 2-3, 5-7, 10-12, 17, 19-20, 22-24, 27-29, 34, 36-37, 39-41, 44-46 and 51 that depend from them, are not anticipated by Enomoto under 35 U.S.C. § 102(e), and therefore the rejection of the claims should be withdrawn.

**B. Claims 4, 21 and 38 are patentable under 35 U.S.C. §103(a) over Enomoto in view of Rissman.**

Claims 4, 21 and 38 stand or fall together. Claim 4 is the representative claim.

Rissman discloses a printing system for a digital camera. The system includes a user interface for editing and manipulating an image prior to printing. The editing and manipulating may include cropping the image.

Claim 4 depends from independent claim 1. Independent claim 1 includes the limitation of forming an image template containing a first edited image and a selected record of at least one image editing operation, said image editing operation having been performed on a first image to obtain said first edited image. As discussed above, Enomoto does not teach or suggest this limitation. Appellant further submits that Rissman does not teach or suggest this limitation. Rissman is directed to editing and manipulating a single frame of digital image data prior to printing, and does not disclose a template as claimed, or applying a template to a second image as claimed.

Accordingly, Appellant submits that claims 4, 21 and 38 are patentable over the combination of Enomoto and Rissman and therefore, the rejection of the claims under 35 U.S.C. §103(a) should be withdrawn.

C. Claims 8-9, 25-26 and 42-43 are patentable under 35 U.S.C. §103(a) over Enomoto in view of Suzuki.

Claims 8-9, 25-26 and 42-43 stand or fall together. Claim 8 is the representative claim.

Suzuki discloses a photographic printer having a scanner for calculating a scanner correction quantity. Claim 8 depends from independent claim 1. Independent claim 1 includes the limitation of forming an image template containing a first edited image and a selected record of at least one image editing operation, said image editing operation having been performed on a first image to obtain said first edited image. As discussed above, Enomoto does not teach or suggest this limitation. Appellant further submits that Suzuki does not teach or suggest this limitation. Suzuki is directed to optimizing a scanner correction quantity calculation equation, and does not disclose a template as claimed.

Accordingly, Appellant submits that claims 8-9, 25-26 and 42-43 are patentable over the combination of Enomoto and Suzuki and therefore, the rejection of the claims under 35 U.S.C. §103(a) should be withdrawn.

D. Claims 13-16, 30-33 and 47-50 are patentable under 35 U.S.C. §103(a) over Enomoto in view of Katayama.

Claims 13-16, 30-33 and 47-50 stand or fall together. Claim 13 is the representative claim.

Katayama discloses an apparatus for combining images to generate a panoramic image. After correcting the lightness of two input images, conversion parameters are used to combine the two images into a single image.

Claim 13 depends from independent claim 1. Independent claim 1 includes the limitation of forming an image template containing a first edited image and a selected record of at least one image editing operation, said image editing operation having been performed on a first image to obtain said first edited image. As discussed above, Enomoto does not teach or suggest this limitation. Appellant further submits that Katayama does not teach or suggest this limitation. Katayama is directed to combining

images along their boundaries to form a panoramic image, and does not disclose a template as claimed.

Accordingly, Appellant submits that claims 13-16, 30-33 and 47-50 are patentable over the combination of Enomoto and Katayama and therefore, the rejection of the claims under 35 U.S.C. §103(a) should be withdrawn.

### **VIII. CONCLUSION**

For the reasons stated above, claims 1-3, 5-7, 10-12, 17-20, 22-24, 27-29, 34-37, 39-41, 44-46 and 51 are not anticipated under 35 U.S.C. §102(e) by Enomoto, claims 4, 21 and 38 are patentable under 35 U.S.C. §103(a) over Enomoto in view of Rissman, claims 8-9, 25-26 and 42-43 are patentable under 35 U.S.C. §103(a) over Enomoto in view of Suzuki, and claims 13-16, 30-33 and 47-50 are patentable under 35 U.S.C. §103(a) over Enomoto in view of Katayama. Appellant requests that the Board reverse the rejections of claims 1-51 and direct the Examiner to enter a Notice of Allowance for Claims 1-51.

#### **Fee for Filing a Brief in Support of Appeal**

Enclosed is a check in the amount of \$500.00 to cover the fee for filing a brief in support of an appeal as required under 37 C.F.R. § 1.17(c) and 41.20(b)(2).


#### **Deposit Account Authorization**

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Appellant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR  
& ZAFMAN LLP

Dated: 4/18/05  
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Atty Docket No. 080398.P361

*Patent*

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Eric Edwards, et al.	) Art Unit: 2625
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_____	)

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPENDIX A FOR APPEAL BRIEF UNDER 37 C.F.R. § 41.37(a)**

1. (Previously Presented) A computerized method comprising:  
forming an image template containing a first edited image and a selected record of  
at least one image editing operation, said image editing operation having been performed  
on a first image to obtain said first edited image; and  
applying said image template to at least one second image.
2. (Original) The computerized method according to claim 1, wherein said  
forming further comprises storing said selected record of said at least one image editing  
operation with said first edited image in an image file.
3. (Original) The computerized method according to claim 1, wherein said  
forming further comprises storing said selected record of said at least one image editing  
operation in a storage file separate from said first edited image.



4. (Original) The computerized method according to claim 1, wherein said at least one image editing operation further comprises cropping said first image.

5. (Original) The computerized method according to claim 1, wherein said at least one image editing operation further comprises enhancing color characteristics of said first image.

6. (Original) The computerized method according to claim 1, wherein said at least one image editing operation further comprises modifying brightness characteristics of said first image.

7. (Original) The computerized method according to claim 1, wherein said at least one image editing operation further comprises modifying luminosity characteristics of said first image.

8. (Original) The computerized method according to claim 1, wherein said at least one image editing operation further comprises applying an image effect on said first image.

9. (Original) The computerized method according to claim 8, wherein said image effect is a filter.

10. (Original) The computerized method according to claim 1, further comprising receiving said at least one image editing operation from a user.

11. (Original) The computerized method according to claim 1, further comprising retrieving said first image from a database module and transmitting said first image to a user.

12. (Original) The computerized method according to claim 1, wherein said applying further comprises:

retrieving said selected record of said at least one image editing operation; and  
performing said at least one image editing operation on said second image to obtain a second edited image.

13. (Original) The computerized method according to claim 12, further comprising:

combining said second edited image with said first edited image to form an output image.

14. (Original) The computerized method according to claim 12, further comprising transmitting said second edited image to a user.

15. (Original) The computerized method according to claim 12, wherein said first edited image and said second edited image further include a plurality of identical image characteristics.

16. (Original) The computerized method according to claim 13, further comprising transmitting said output image to a user.

17. (Original) The computerized method according to claim 1, further comprising transmitting said first edited image to a user.

18. (Previously Presented) A computer readable medium containing executable instructions, which, when executed in a processing system, cause said system to perform a method comprising:

forming an image template containing a first edited image and a selected record of at least one image editing operation, said image editing operation having been performed on a first image to obtain said first edited image; and

applying said image template to at least one second image.

19. (Original) The computer readable medium according to claim 18, wherein said forming further comprises storing said selected record of said at least one image editing operation with said first edited image in an image file.

20. (Original) The computer readable medium according to claim 18, wherein said forming further comprises storing said selected record of said at least one image editing operation in a storage file separate from said first edited image.

21. (Original) The computer readable medium according to claim 18, wherein said at least one image editing operation further comprises cropping said first image.

22. (Original) The computer readable medium according to claim 18, wherein said at least one image editing operation further comprises enhancing color characteristics of said first image.

23. (Original) The computer readable medium according to claim 18, wherein said at least one image editing operation further comprises modifying brightness characteristics of said first image.

24. (Original) The computer readable medium according to claim 18, wherein said at least one image editing operation further comprises modifying luminosity characteristics of said first image.

25. (Original) The computer readable medium according to claim 18, wherein said at least one image editing operation further comprises applying an image effect on said first image.

26. (Original) The computer readable medium according to claim 25, wherein said image effect is a filter.

27. (Original) The computer readable medium according to claim 18, wherein said method further comprises receiving said at least one image editing operation from a user.

28. (Original) The computer readable medium according to claim 18, wherein said method further comprises retrieving said first image from a database module and transmitting said first image to a user.

29. (Original) The computer readable medium according to claim 18, wherein said applying further comprises:

retrieving said selected record of said at least one image editing operation; and  
performing said at least one image editing operation on said second image to obtain a second edited image.

30. (Original) The computer readable medium according to claim 29, wherein said method further comprises:

combining said second edited image with said first edited image to form an output image.

31. (Original) The computer readable medium according to claim 29, wherein said method further comprises transmitting said second edited image to a user.

32. (Original) The computer readable medium according to claim 29, wherein said first edited image and said second edited image further include a plurality of identical image characteristics.

33. (Original) The computer readable medium according to claim 30, wherein said method further comprises transmitting said output image to a user.

34. (Original) The computer readable medium according to claim 18, wherein said method further comprises transmitting said first edited image to a user.

35. (Previously Presented) A computerized system comprising:  
a memory; and

at least one processor coupled to the memory, said at least one processor executing a set of instructions which cause said at least one processor to form an image template containing a first edited image and a selected record of at least one image editing operation, said image editing operation having been performed on a first image to obtain said first edited image, and to apply said image template to at least one second image.

36. (Original) The computerized system according to claim 35, wherein said set of instructions further cause said at least one processor to store said selected record of said at least one image editing operation with said first edited image in an image file.

37. (Original) The computerized system according to claim 35, wherein said set of instructions further cause said at least one processor to store said selected record of said at least one image editing operation in a storage file separate from said first edited image.

38. (Original) The computerized system according to claim 35, wherein said at least one image editing operation further comprises cropping said first image.

39. (Original) The computerized system according to claim 35, wherein said at least one image editing operation further comprises enhancing color characteristics of said first image.

40. (Original) The computerized system according to claim 35, wherein said at least one image editing operation further comprises modifying brightness characteristics of said first image.

41. (Original) The computerized system according to claim 35, wherein said at least one image editing operation further comprises modifying luminosity characteristics of said first image.

42. (Original) The computerized system according to claim 35, wherein said at least one image editing operation further comprises applying an image effect on said first image.

43. (Original) The computerized system according to claim 42, wherein said image effect is a filter.

44. (Original) The computerized system according to claim 35, wherein said set of instructions further cause said at least one processor to receive said at least one image editing operation from a user.

45. (Original) The computerized system according to claim 35, wherein said set of instructions further cause said at least one processor to retrieve said first image from a database module and transmit said first image to a user.

46. (Original) The computerized system according to claim 35, wherein said set of instructions further cause said at least one processor to retrieve said selected record of said at least one image editing operation and to perform said at least one image editing operation on said second image to obtain a second edited image.

47. (Original) The computerized system according to claim 46, wherein said set of instructions further cause said at least one processor to combine said second edited image with said first edited image to form an output image.

48. (Original) The computerized system according to claim 46, wherein said set of instructions further cause said at least one processor to transmit said second edited image to a user.

49. (Original) The computerized system according to claim 46, wherein said first edited image and second edited image further include a plurality of identical image characteristics.

50. (Original) The computerized system according to claim 47, wherein said set of instructions further cause said at least one processor to transmit said output image to a user.

51. (Original) The computerized system according to claim 35, wherein said set of instructions further cause said at least one processor to transmit said first edited image to a user.

**FEE TRANSMITTAL FOR FY 2005**

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**TOTAL AMOUNT OF PAYMENT (\$)** 500.00

Complete Known:

Application No. 09/769,686  
 Filing Date January 24, 2001  
 First Named Inventor Eric Edwards  
 Examiner Name Desire, Gregory M.  
 Art Unit 2625  
 Attorney Docket No. 080398.P361

Applicant claims small entity status. See 37 CFR 1.27.

**METHOD OF PAYMENT** (check all that apply)
☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify)
**Deposit Account**Deposit Account Number : 02-2666

Deposit Account Name: \_\_\_\_\_

☒ The Director is Authorized to do the following with respect to the above-identified Deposit Account:

☐ Charge fee(s) indicated below.

☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

☐ Charge fee(s) indicated below except for the filing fee

☒ Credit any overpayments.

☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.  
 Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>		<u>Fees Paid (\$)</u>
<u>Fee Code</u>	<u>Fee (\$)</u>	<u>Fee Code</u>	<u>Fee (\$)</u>			
1011	300	2011	150	Utility application filing fee		
1111	500	2111	250	Utility search fee	1,000/500	
1311	200	2311	100	Utility examination fee		
1012	200	2012	100	Design application filing fee		
1112	100	2112	50	Design search fee	430/215	
1312	130	2312	65	Design examination fee		
1013	200	2013	100	Plant filing fee		
1113	300	2113	150	Plant search fee	660/330	
1313	160	2313	80	Plant examination fee		
1004	300	2004	150	Reissue filing fee		
1114	500	2114	250	Reissue search fee	1,400/700	
1314	600	2314	300	Reissue examination fee		
1005	200	2005	100	Provisional application filing fee		
<b>SUBTOTAL (1)</b>						<b>\$ 0.00</b>



**2. EXCESS CLAIM FEES**

		<u>Extra Claims</u>	<u>Fee from</u> <u>below</u>	<u>Fees Paid (\$)</u>
<b>Total Claims</b>	_____ - 20 or HP = _____		X \$50.00	= _____
HP = highest number of total claims paid for, if greater than 20				
<b>Independent Claims</b>	_____ - 3 or HP = _____		X \$200.00	= _____
HP = highest number of independent claims paid for, if greater than 3				
<b>Multiple Dependent Claims</b>				= _____

<u>Large Entity</u>		<u>Small Entity</u>		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description</u>
1202	50	2202	25	Each claim over 20
1201	200	2201	100	Each independent claim over 3
1203	360	2203	180	Multiple dependent claims, if not paid
1204	200	2204	100	Reissue: each claim over 20 and more than in the original patent
1205	50	2205	25	Reissue: each independent claim more than in the original patent

**SUBTOTAL (2) \$ 0.00**

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l</u> <u>50 or fraction thereof</u>	<u>Fee from</u> <u>below</u>	<u>Fees paid (\$)</u>
_____	- 100 = _____	/ 50 = _____ (round up to whole number)	X \$250.00	_____

<u>Large Entity</u>		<u>Small Entity</u>		
Fee Code	Fee (\$)	Fee Code	Fee (\$)	<u>Fee Description:</u> Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):
1081	250	2081	125	Utility
1082	250	2082	125	Design
1083	250	2083	125	Plant
1084	250	2084	125	Reissue

**SUBTOTAL (3) \$ 0.00**

**FEE CALCULATION (continued)****4. OTHER FEE(S)**

				<b>Fees Paid (\$)</b>
<b>Non-English Specification, \$130 fee (no small entity discount)</b>				
<b>Large Entity</b>		<b>Small Entity</b>		
<b>Fee</b>	<b>Fee</b>	<b>Fee</b>	<b>Fee</b>	
<b>Code</b>	<b>(\$)</b>	<b>Code</b>	<b>(\$)</b>	<b>Fee Description</b>
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130	Non-English specification
1812	2,520	1812	2,520	For filing a request for ex parte reexamination
1813	8,800	1813	8,800	Request for inter parties reexamination
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action
1251	120	2251	60	Extension for reply within first month
1252	450	2252	225	Extension for reply within second month
1253	1,020	2253	510	Extension for reply within third month
1254	1,590	2254	795	Extension for reply within fourth month
1255	2,160	2255	1,080	Extension for reply within fifth month
1401	500	2401	250	Notice of Appeal
1402	500	2402	250	Filing a brief in support of an appeal
1403	1,000	2403	500	Request for oral hearing
1451	1,510	1451	1,510	Petition to institute a public use proceeding
1452	500	2452	250	Petition to revive - unavoidable
1453	1,500	2453	750	Petition to revive - unintentional
1501	1,400	2501	700	Utility issue fee (or reissue)
1502	800	2502	400	Design issue fee
1503	1100	2503	550	Plant issue fee
1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)
1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(g) Group II)
1464	130	1464	130	Petitions to the Commissioner (CFR 1.17(h) Group III)
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt
8021	40	8021	40	Recording each patent assignment per property (times number of properties)
1809	790	2809	395	For filing a submission after final rejection (see 37 CFR 1.129(a))
1814	130	2814	65	Statutory Disclaimer
1810	790	2810	395	For each additional invention to be examined (see 37 CFR 1.129(b))
1801	790	2801	395	Request for Continued Examination (RCE)
1802	900	1802	900	Request for expedited examination of a design application
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.
1505	300	1505	300	Publication fee for republication
1803	130	1803	130	Request for voluntary publication or republication
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)
1454	1,370	1454	1,370	Acceptance of unintentionally delayed claim for priority
Other fee (specify) _____				
Other fee (specify) _____				
<b>SUBTOTAL (4) \$</b>				<b>0.00</b>

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Jeffery Scott HeilesenSignature: Date: 4/18/2005Reg. Number: 46,765Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**TRANSMITTAL****PATENT**

Application No.: 09/769,686  
Filing Date: January 24, 2001  
First Named Inventor: Eric Edwards  
Examiner's Name: Desire, Gregory M.  
Art Unit: 2625  
Attorney Docket No.: 080398.P361



- ☐ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- ☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- ☐ Applicant(s) claim small entity status (37 CFR 1.27).

**ATTACHMENTS**

- ☐ Preliminary Amendment
- ☐ Amendment/Response with respect to Office Action
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☐ Notice of Appeal
- ☐ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS citations
- ☐ Petition for Extension of Time
- ☒ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☒ Other: Appeal Brief Under 37 C.F.R. § 41.37(a)
- ☒ Other: Appendix for Appeal Brief Under 37 C.F.R. § 41.37(a)
- ☒ Check(s)
- ☒ Postcard (Return Receipt)

**SUBMITTED BY:**

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SIGNATURE:

REG. NO.: 46765

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**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450 on April 18, 2005

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(10/14/03)